ATTORNEY DOCKET NO. VisualDatabase/SCH
Serial No.: 09/683,599

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

The reference designation 106 has been corrected to "100". This should obviate the rejection to the drawings.

Claims 1-20 stand rejected under 35 U.S.C. 103 as allegedly being unpatentable over Crill. This contention, however, is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that the rejection does not meet the Patent Office's burden of providing a prima facie showing of unpatentability.

Claim 1 defines a system with a client and server, where the server includes a database. The server receives image information from the client, and uses that image information "to search said database associated with the server for items to be purchased which meet criteria specified in said image information...". That is, this system allows a user to enter criteria about items that they want to purchase, from a client. The client produces image information that accesses a server, and allows finding information indicative of items to be purchased on that server.

Crill teaches a system that allows searching of images over the Internet. Crill teaches an application for that system, e.g. for the Walt Disney Co. to look for images of their copyrighted information on the Internet. Crill, therefore, does not teach using this system for finding items to purchase -- but rather teaches using it as a policing method for copyrighted material. This is the only application that Crill teaches for his system. Crill teaches nothing about any other applications. This much is in fact

admitted by the Official Action, on page 4, which states that Crill "fails to explicitly teach" that the server is for items to be purchased.

The rejection states that these limitations are well-known in the art. However, with all due respect, this uses hindsight in making this rejection, and also reads much more into the Crill reference that is actually there.

Crill admittedly teaches searching of databases over the Internet. Does this make it obvious to search all image databases on the Internet for all purposes? This seems to be an unreasonably broad interpretation of what Crill actually teaches. Crill teaches one specific application- policing copyrighted images. Nowhere would one having ordinary skill in the art obtain any teaching of looking for items to be purchased in that way. The rejection states that column 1 lines 26 through 37 suggests this application. However, while this does refer to images of items the company sells, it does so in the context of policing those images for copyright infringement. It teaches nothing about the claimed subject matter of searching the database for items to be purchased which meet criteria specified in said image information, as claimed.

Consider the advantage of the present system. Claim 1 can be used, for example, to allow a user to obtain an image of something they want, without knowing the name of that thing. They can use an image to search a database for items which look like that image. In this way, the user may be able to find items on a website, without knowing the name of those items. This application is possible using the system of claim 1. It is nowhere taught or suggested, however, by Crill.

For all of these reasons, it is respectfully suggested that Crill does not fairly suggest the limitations noted above from claim 1. Claim 1 should therefore be allowable along with the claims that depend therefrom.

The dependant claims should be allowable along with the independent claims. Claim 3 specifies that the parameters have exclusion information to exclude from the search results. The rejection alleges that cropping is the same as exclusion information. However, cropping actually changes the image. This is different from excluding things from the search results. Therefore, claim 3 should be additionally allowable for these reasons.

Claim 4 specifies a more important image portion, that is more important than the other portions. As one example of this, if the user is looking for a bicycle, they may specify the bicycle as being more important than other background portions. The rejection calls attention to column 18 line 63 of Crill. This portion allows a user to selectively block out certain cells, but does not suggest that there is a more important image portion, and that the search results are "weighted according to said more important image portion". Blocking out certain portions simply excludes those portions, it does not weigh them.

Claim 9 specifies that the server is an electronic-commerce site, and that the results include price information. Again, this further emphasizes the patentable distinctions of this system. This system would allow user to search an e-commerce site using pictures rather than words, something that was not contemplated by Crill.

Claim 10 defines a method, that allows entering the image information to a client, sending that image information to a server, and returning search results from the server

to the client including price information associated with items in the search results. As described above, Crill teaches nothing about using this system for purchases, in this way. Therefore, Crill is entirely devoid of teaching of returning search results "including price information associated with items in said search results" as claimed. For these reasons, claim 10 should be allowable along with the claims which depend therefrom.

Claim 17 specifies a computer that includes image information for each of a plurality of items to be sold over the publicly available network and price information for those items, and where the computer accepts search image information to search the image information in the database and to return search results. As extensively discussed above, Crill teaches nothing about this, and the contention that this is shown in Crill is based entirely on hindsight. Crill teaches nothing about "image information for a plurality of items to be sold over said publicly available network". Crill teaches nothing about "price information for each of said items". Crill teaches nothing about search results including items and price information for each of said items. Therefore, claim 17 is wholly different than anything that was contemplated by Crill, and hence claim 17 should be allowable along with the claims that depend therefrom.

Claim 19 specifies the exclusion information, which should be additionally allowable for reasons set forth above.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been

expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Therefore, and in view of the above amendments and remarks, all of the claim should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 5/23/05

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